CIVIL SOCIETY IN NEPAL: IN SEARCH OF REALITY

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Background
In recent years ‘Civil Society’ has become a slogan for sociologists, political scientists and policy makers both in the western and non-western world. The discourse on the modern concept of civil society in Nepal is fairly new despite age old existence of civic practices. But those civic practices of civil society based on traditional voluntarism were of different kind endowed with different responsibilities and can hardly be equated with the current notion of civil society - which is more political than social in content. That was a civil society with limited civic sphere, engaged in indigenous activities which contributed little towards citizenship building. The reason being that civic space was either pre determined or restricted by the state due to primitive political structure based on parochial thinking.

The Third Wave of democratization that swept away undemocratic regimes worldwide in fact led to the worldwide growth of civil society. In most cases the wave itself was the repercussion of worldwide civic resurrection that could not be contained within the borders of nation states. And Nepal could not remain an exception of this worldwide civic upsurge. In fact the rise of current notion of civil society after 1990s ‘modest’ political change in Nepal is the manifestation of this worldwide civic upsurge. This worldwide civic upsurge took place not only because of Third Wave of democratization but also because of adoption of liberal people centric (people first) policies both in politics, economics and development by the nation-states. Moreover, the UN decade of conferences, that is, conferences/seminars/conventions/summits that took place in 1990s under the UN banner has provided ample opportunities for the growth of modern civil society organizations (CSOs) worldwide. These world conferences and liberal policies have given generous space to NGOs to be active participant in democratization process and economic development of the nation states. And donors have channeled a large amount of money through them for this purpose. The result, by contrast, was somewhat disturbing as this has produced Hobbesin nature of civil society in Third World countries, including Nepal, who kept themselves busy vying for power and profit and added a layer of new elites in society. The high ranking retired bureaucrats, politicians and urban elites instantly usurped up civic sphere and became direct beneficiaries of this process and siphoned off large amount of donors money.

Today academic discourse on civil society as well as its application in shaping public policy has reached pinnacle. In fact, civil society realm itself
has been frequently used by policy makers, donors, academics and arm chair political pundits during public policy discourse. Theoretically, there are two major strands of disciplines vis-à-vis political science and sociology where discourse on civil society is taken frequently. In political science the civil society discourse is occasioned by a re-thinking on the nature of state and dynamics of democracy and in sociology the context for the discourse is provided by social movements and the role of the non-governmental organizations (NGOs) in socio-economic development (Jayaram 2005:16). This paper will focus on first strands of discipline (political science) because the recent debate on civil society in Nepal is more political than sociological.

Having said this, the overarching aim of this paper is to analyse how civil society has been perceived and interpreted in Nepali context. For this, I will first discuss the rationality and importance of civil society during public policy and political discourse. My analysis will focus how Nepali civil society has contributed towards democratization process and how the idea has been resonating in Nepal. I have chosen 1990s as the benchmark for this discussion for obvious reasons. At the end, the paper will answer the nature of civil society in Nepal and provide candid suggestions to promote inclusive civil society.

The Development of Civil Society as an Idea

The historical development of civil society goes back to the sixteenth-century English political thought, and the term used to be referred to the state, whereas contemporary usage tends to contrast civil society and the state. The seventeenth century theorists of civil society based their argument on the concept of a social contract. For them, civil society (societas civilis) was a rule of law in which citizens gave up the freedom of the state of nature in exchange for the guarantee of certain rights – security for Hobbes plus liberty and property for Locke. Later definitions of civil society included the idea of an active citizenry checking violations of social contract by the state.

Hegel’s nineteenth-century notion of civil society included the market, whereas contemporary concept tends to regard civil society as a nonprofit sector. Similarly Antonio Gramsci regarded civil society as an arena where class hegemony forges consent; Karl Marx regarded civil society as a structure to serve the interests of the capitalist bourgeoisie, whereas much contemporary discussion treats civil society as a site of disruption and dissent. Alex de Tocqueville regarded civil society essential bulwark of liberal democracy. Similarly, Mary Kaldor defines civil society as the medium through which a social contract between the governing institutions and the governed is negotiated and reproduced. This includes defining moments – constitutional conventions and round tables, for example – as well as every day public pressure through the media, political parties, churches, NGOs and so on. For her, civil society is inextricably linked to individual
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rights. Suffice to add therefore that the ubiquity of civil society both in critical literature and popular commentary has not led to any clear consensus about its exact meaning and role. What is true is that civil society is private in origin but public in action.

The modern concept of civil society was relaunched in Eastern Europe and Latin America in the 1980s as an attempt to capture the essence of dissent politics and to introduce democracy. The concept has subsequently travelled to all corners of globe, through intellectual exchange, activist discourse and official language of politicians and development donors. It has gradually become the terminological fad in academic, media and policy circles in the post 1990s political environment. The idea of civil society has been employed in a variety of often contradictory senses to legitimate sundry intellectual and political projects.

There is growing agreement on the importance of civil society in political discourse, economic and social development despite incongruity in meaning and interpretation. For example, in the contemporary revival of the idea of civil society, the concept has come to mean different things for different people in different places causing a great deal of ambiguities and confusion. For instance, in American context civil society argument is employed in order to underline the need to promote and strengthen a network of solidarity among citizens who are otherwise passive and individualistic (Putnam 1995). In contrast the idea of civil society in Eastern Europe is invoked to counter the State and to celebrate citizenship values and individual rights (Seligman 1992). However, in many third world and post-colonial societies the argument is directed to some and market where both are controlled by dominant elites. The idea is that it is the civil society that can control, if not entirely transform, the state and press it into the service of democracy and social justice (Mohapatra 2003: 294). Civil society realm has been used to express ‘opposition’ both to the state and market. That’s the reason why Lewis (2002:4) has rightly noted that different local meanings (have) been created around the concept as part of an increasingly universal negotiation between citizens, states and markets, seemingly confirming Van Rooy’s (1998) famous quip that the concept’s inherent vagueness is part of its appeal.

The Rise of Civil Society as a Political Tool

The growing number of coalitions of civil society groups today claims the right to have a say in everything from nuclear arms control negotiations to the operations of multinational corporations. Wherever we look, activities beyond the state and market are on the march: Self-help groups care for the sick and disseminate new farming methods; campaign for human rights; action groups resist the construction of dams; journalists campaign against censorship; social movements press for minority rights; mass protests
campaign for more democracy and just society, foreign aid is disbursed via NGOs, so that a large proportion of resources are beyond the control of the state. Moreover civil society organizations are contributing towards strengthening of democratization process. They are collecting diverse forces into a common platform and exerting pressure both on state and market forces where necessary to promote inclusive political culture. In fact, as Carolyn M. Elliott notes that civil society “has assumed mythic proportions as a tool of the social imagination, an ideological construct of a good society” (2003:3).

But, interestingly, involvement of civil society in various socio-political spectrums is fairly a new. This phenomenon has enabled civil society to emerge as an alternative global power. The bottom line, however, is why civil society as an idea has been projected as an alternative source of power in nation building when state machineries are major players in maintaining national and international order. Majority of arguments in this regard stem from ‘terminology’ itself which carries strong moral overtones and effectively excludes negative and destructive associations.

There are many schools of thoughts that hail civil society’s role in addressing fault lines which in turn helps to resolve/transform conflicts and play significant role in citizenship building. First, modern society has three basic components ‘capital, state and the people with all their associations and organisations constituting civil society’ (Galtung 1996: 152). Civil society binds them and facilitates people to come together for a whole variety of public activities. Civil society in this regard works as *locus standi* for citizens who can freely organize themselves into groups and associations at various levels in order to make the formal bodies of the state authority adopt policies in consonant with their perceived interests.

Secondly, civil society is not a non-political; it is a non-state but not anti-state and anti-people. In its non-state functions, civil society covers both social and political activities. Civil society increases ‘civic engagement’ and stand out as the single most important proximate explanation for the difference between peace and violence. Civic engagement among various strata of society builds up ‘trust’ and promotes political culture (Putnam 1993) among ruling classes. Varshney in his finding in India argues that where such works of engagement and *political culture* exist (emphasis added), tensions and conflicts are regulated and managed; where they are missing, communal identities lead to endemic and ghastly violence (Varshney 2002).

Thirdly, society rather than the state, is the legitimate source of any power, civilian forces like political parties, parliamentarians, NGOs, professional bodies, peasant leagues, cooperatives, ethnic and socio-cultural associations, etc are critical components because their movements can prepare people psychologically for desired change and create choices to them
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Fourthly, state belongs to its people (that is, legitimacy of any changes lies with people's consent) and mobilisation of 'people power' (Havel 1992) against repressive regime or 'conflicting parties' helps to resolve problems. Hence, civil society movement is important because it consolidates people's power from below by strengthening grassroots institutions, values, initiatives and creativity, from above by democratising state institutions and from outside by creating a constituency for revitalising and reforming the functions of multinational institutions such as the UN in response to the global popular consciousness (Dahal 1997: 17).

Fifthly, aspirations of civil society have been drawn from the fact that civil societies characteristically are non-violent and protect individual and group freedoms from Hobbesian nation-states, Leviathan world order and irresponsible 'non-state actors' even during the conflict by creating peace constituencies. The peace constituencies work as 'islands of civility' in the war zones (Kaldor 2001: 110) and brings about changes in the every sector of humanity.

Moreover, incorporation of civil society organizations in governance process not only contributes to the sustainable peace but also addresses the urgent tasks of economic modernization, political liberalisation and social inclusion. Whatever the rationalities of civil society are, it plays a crucial role in nation building as it instills feeling of 'citizenship' among citizenry.

Civil society plays an essential role in insisting on respect for existing rights, working to ensure that politicians and state officials remain accountable for their actions. This is achieved through a variety of means, including resort to the judiciary, media campaigns and protests. Equally important is that civil society can often play a crucial role in many of activities such as setting public agendas, including demanding new laws and new rights. Civil society plays a direct role in advocating change in the 'corridors' of power with the state and developing alternative policies in formulating 'inclusive' citizenship through state-civil society synergy. By and large it is the 'civic space' of civil society that promotes the notion of 'citizenship' by involving citizens into the institutional life of the state without any discrimination based on caste, creed, sex, economic status, educational attainment etc., transform sovereignty of the state to the people and elevates their status from 'raitis to public.'

State of Civil Society in Nepal

While discussing civil society in Nepali context, it is worthwhile to mention that the extant notion of civil society in Nepal is fairly a new one. The contemporary revival of the idea of civil society owes much to the series of political movements and struggles for democracy in the country which dates
back to 1950s when Nepalese rebelled to topple Rana regime. This notion has acquired its current form when many civil society organizations have mushroomed in 1990 with the re-establishment of democracy. The notion gained further momentum when it took a lead role during different phases of negotiations (between Maoists and the government) at the height of Maoist insurgency and later during April uprising of 2006 and beyond.

The modern view of civil society (Nagrik Samaj – the Nepali equivalent of civil society) as in the rest of South Asia subscribes to the western neoliberal approach in practice. That notion seems to have travelled in tandem with neoliberal political and economic agendas. This phenomenon of civil society has had twin impacts on Nepali society. The first is that it has discounted organic concept of civicsness developed in Vedic period which emphasis on voluntarism, mutual assistance and to some extent helps to construct the civic citizenship building. Secondly, the process of modernity in this sector, for the most part, has either superseded or commercialised or destroyed traditional forms of civil society organisations and resulted in the growth of self interested elite civil society organisations. The larger group of civil society organisations has been usurped up by the NGOs, interest groups and alike having completely different agendas, other than promoting civility, voluntarism and civic citizenship.

The repercussions of this ‘monetisation’ of civil society in Nepal were that, for example, while civic programmes and civic organizations were rapidly spreading all over the country in 1990 at the same time the commercialization of civic sphere and civic denunciation has contributed towards failure of promoting and mustering a democratic strength of dialogue with various societal actors. This has produced patron client culture with subtle corruption pervading the entire society. Civil society, in this context, failed to discharge its duty of watchdog in society partly because of its infusion with money and partly due to patron-client relationship. This was the major reasons, among others, why the country went through political crisis one after another during 1990s decade. Manifestation of this practice in 1990s raised question in academic discourse on the nature and type of Nepali civil society. The underlying point in this regard is the quest (inquiry) for a civil society which can truly promote the sense of belonging towards nation (by promoting the notion of civic citizenship which bears both rights and responsibilities of citizens and accelerate the civic sphere of civil society), that addresses social and political bias.

However, with the success of People’s Movement of 2006, it is argued that Nepali civil society has been able to whitewash its past misdeeds of 1990s. It is because People’s Movement in 2006 only succeeded when agitating seven party alliances (SPA) got overwhelming support from civil society organizations in leading the movement ahead. This has resulted renewed hope pinned on civil society. Nepalese civil society organisations
since then have been playing a vital role towards democratisation process by translating the promises of full fledged democracy (*lokanātra*) made during the movement.

The uncritical glorification and lionisation of civil society merely based on the role it played (or playing) during political movements without understanding its ontology and epistemology has become problematic in theorising civil society in Nepali context. It is, therefore, not surprising that why civil society concept is so misunderstood or misinterpreted and those who use it are clearer about what they do not mean by it than what they do. The fact is that civil society in Nepal is in search of reality. This paradox will be discussed as follows.

**The Theoretical Paradox and Civic Discontents**

Civil society as a notion is not conceptually clear in Nepali context. That what constitutes to be civil society (all NGOs, professional intermediary associations, interests groups, political activists) and who belongs and who does not is most contested point in defining it. Moreover, the relationship between the state and non-state actors are plagued with ambiguities and it is not clear where does the role of state ends and non-state begins. The terminology has been frequently used in different aspects and even projected as an answer to every malaise of society without clearing off epistemic hurdles and its parameters.

The bias hinges both on its theorization and application. There is no explanation why the realm has been called civil society. And the biggest challenge lies with its application for different purposes by involving different types of groups. This poses a real theoretical challenge to define as who civil society in Nepal is and who it represents and what its parameters are: These are crucial but unanswered issues to interpret existing Nepali civil society.

With the success of People’s Movement II, it has become more difficult to define civil society. This is because what has been observed is that ‘joining civil society club’ and forming civil society books just to fulfill vested petty interests has become a norm *de jure*. So is bringing out protests, closures by wearing ‘civil society’ tag; whether they are desirable or not by the amorphous mass. Another problem in theorising civil society is that both civil society and NGOs are interchangeably used to acknowledge each other. Part of reasons is a phenomenon that civil society is legally and analytically equated with NGO which is a ‘de facto definitional amendment’ of civil society but also manifestation of inability of academics to differentiate between these two terms (Tamang 2003: 15–17). Practically, this was also the project developed by the donors and Nepali state. Firstly donors – given the disparities within civil society and the greater capacity of educated elites to organise, a key challenge for donors committed to poverty
reduction is identifying ways of supporting organizations of the poor, rather than organizations claiming to act on behalf of the poor and of creating spaces where the voices of the poor can be heard. This resembles with Howell's (2001) notion that donor engagement with civil society in third world countries is marked as urban bias and have little impact on rural civic groups (emphasis added). Secondly from the part of state, this was the project developed by the retired bureaucrats, judges, government officials, urban based elites and chatterer's group who wanted to maintain status quo in society through their own ascribed linkages.

With the above discussion Nepali civil society can be classified into two categories. The first one, truly speaking, grew out of 'isation culture' such as NGOisation of service, globalization, liberalization, and privatization and gets backing from donors. Civic sphere created by this 'isation culture' is largely populated by the self declared conglomerate of urban elites who prefers to be called 'civil society leaders'. They have made little or no attempt to address societal issues nor extended their activities in the peripheral areas let alone engaging with wider civil society. These elites of Nepal's civil society by contrast have treated citizens merely as consumer thereby ignoring basic tenets of civil society (Bhalla 2006).

The second one is promoted by political elites and political parties. This includes large numbers of interests groups, trade unions built on political lineage and work in line with political interests and protects their own interests for through civil society forums. Civil society in this context has become appellation factor. This civil society is 'oppositional' in nature. To some extent, it has helped to foster democratic rights of the people and creation of a responsible government (Bhalla: 2006).

However, when we put both types of civil society into one basket what is clear is that civic space in Nepal is restricted to politically and economically organized sectors of the society, and it is only this economically well organized section that has benefited from the modernization of this concept. And marginal groups do not find it easy to gain entry into the civil society forums. It would mean that ordinary people do not possess either access to a space or to the freedom that is necessary for democratic engagement. What needs to be emphasized is that if the benefits of civil society are restricted to these sections it just shows that the project of civil society is far from being complete. As freedom in these cases is being realized by a minority and not by the people as a whole, the basic ethics of civil society can hardly be said to exist in any meaningful way. When democracy no longer encourages the well-being of citizens along the lines of civil society it is largely because the ethics of freedom are being subverted by technological rationality or by market principles or by the majority principle or by the pure and dogmatic assertions of command or group equality (as in caste-based) politics. None of these are compatible with the ethics of civil society, nor with the cultivation
of citizenship. The civic practice itself becomes very much antithesis of civil society’s norms. Civil society in this context is nothing but politics of “narcissism” as Neera Chondhoke (2003:25) said.

The exclusionary policy adopted by the state and treatment of citizen merely as ‘consumers’ both by state and civil society has developed ‘consumerism’ notion of civil society. The widening gap between political elites urban based ‘columnised’ civil society, duty bound rural civic organizations and ordinary citizens have deconstructed the true notion of civil society let alone construction of ‘civic citizenship’. The state and society are fragmented from every aspect. Citizenship values are deeply internalized by the people, social conflicts are largely undermined ... (Dahal 2006).

Civil society movement in recent years however has emerged to express disillusionment of the middle class with politics, economics, corrupt political process, Maoist insurgency, inability of the state to undertake the task of development, for inclusive democracy and just society. But the larger part of civic sphere is still populated by the urban elites and has included provision of ‘hierarchy’ (that is, senior civil society leaders, junior civil society leaders etc) in rank and file. They have grossly failed to accommodate those who cannot form their own associations either to bargain with the state, market or to protect their interests (downtrodden, underprivileged). Even if they have accommodated, the objectives, in most cases, seem to have been fascinated to fulfill their own interests (political or economic) by using these underprivileged groups. Hence, civil society is not inclusive and harmonious space where citizens associate with each other to influence public; rather, it is a site for contestation among different groups, as much against each other for their rightful place and for the benefits of development, as against the state. As a result civil society has not been able to promote the notion of civic citizenship which is the building block for nation building and democratization process.

The NGOs and civil society boom, and the disunity among them, reflect country’s social asymmetry in caste, class, ethnicity, gender and regions. The biggest problem is ‘how do citizens qualify to be a member of the civil society and vice versa’ where civil society is based on class interest and citizenship produced so is ‘exclusive’ as against the need of addressing fault-lines of critical mass in order to reconstruct the civil society based on civic citizenship which will put this nation on the right track.

Civil Society as a New Avatar
Civil society has taken the front seat in reengineering society politically, economically and socially. Civil society’s work has been simplified after it received renewed legitimacy from international organizations like the UN and other multilateral organizations in deciding public policies. Civil society is endowed to take greater deal of responsibility and civic movements have
become natural phenomenon both at national and international political arena either to overthrow or restore political systems for the cause of broader representation. The movements indeed have reached new heights following the dramatic events of 1989 in the Eastern and central Europe when communist regimes fell one after another like a house of cards. The unforeseen and dramatic events surrounding the fall of the Berlin Wall have been interpreted in numerous ways. Most significantly it has been the proclamation of 1989 as indicative of the victory of civil society and civic movement against despotic regimes. This presumed triumph of ‘good people’ over ‘bad system’ restored faith in humanity, encouraging considerable optimism of an international scale. Such enthusiasm, based upon anticipation of a new type of politics grounded on the principles of democracy, citizenship, and morality, was compounded by the accession to political power of prominent dissidents. This new politics would, it was assumed, be characterized by the associations of civil society which were expected to emerge in response to the end of the repressive regimes. The civil society led movements was a major catalyst behind ‘third wave of democratization’ which led to the worldwide fall of the despotic regimes.

Likewise in Nepali context, the civil society upsurge against the royal regime is a classic example. This is a significant achievement of civil society in modern times, after velvet revolutions of 1989, has set a precedent that political revolutions can bring about changes without spilling blood. The underlying feature of this movement was that the movement was remarkably peaceful, self regulated; atomised right based civil society (a self enlightened liquid mass, not the urban based elite civil society) took a front seat for the first time as a bid to end the autocratic regime for ever.

The frequency in rallies aftermath of Jana Andolan of 2006 taken out by civil society organizations and their leaders in the name of khabardari julus shows an increased level of political awareness and unflinching faith on democracy for sustainable peace. Civil society’s euphoria has provoked everyone to be known as civil society activists. Terminology has become so handy that if one doesn’t belong to political parties, she can easily join civil society club; take to the streets and start chanting slogans to suit her/his interests. This is seen as an easiest way to have things done and also to wash up past misdeeds, if any.

But civic euphoria expressed by unabated protests also poses serious challenges as to what type of civil society will ultimately produce in the long run because this is simply an ‘unorganized liquid mass’ often violent in nature. Thus, it raises more questions than the answers it offers. The biggest worry is what happens if this transforms into an established trend of bringing down political (whether they are desirable or not) systems through. Moreover, too much of “civic protests” might lead any nation into a “banana state” where the one who shouts loudest is the one who wins and country
might ultimately fall into the hands of anarchists. Furthermore, too much of civic protest might reduce the role of political parties which can be dangerous for the sustainability of democracy. A political order is necessary for a good society. Moreover solutions cannot always be sought through violent protests. And opposition to the bad system does not always necessarily create a good system. The good system only establishes if the civil society is civilized. For the time being, perhaps this might be the result of public frustration of age old authoritarian rule and deceiving behaviour of political leaders. Therefore one cannot outright comment on this postmodern version of Nepali civil society at this stage. What is, however, needed is to change the modus operandi of civic protests. This theoretical and practical fuzziness have a clear breach both in the literature and discourse and logically puts a question mark on the nature of civil society and expectations underpinned on it.

Conclusion

What can be concluded from this discussion is that existing civil society in Nepal, including the surfeit of NGOs, pro-democracy groups and civil society groups, civil society activists are highly laden with their own 'perception of interests'. They are, by contrast, divided on partisan line with one foot in civil society and the other out of it. This is the major reason why civil society in Nepal has not been able to promote civic citizenship. Civil society in Nepal is not the story of 'ordinary people living extraordinary lives'. It is the story of those who are vying for power and would like to maintain status quo by climbing 'civil society' ladder. Hence, theoretically part of our civil society can be compared with Hobbesian notion (the urban based power-monger which exists in the state of nature); and the liquid unorganised unruly mass that occasionally challenges both state and market can be compared with Gramscian notion of antihegemonic civil society and the rest with Chatterjeean notion of 'oppositional' model that opposes everything that comes on the way through protest; closures whatever comes on the way (positive or negative) without really going deep on its repercussions. I have also analysed post-1990s civil society which is in tandem with political... odely contaminated 'state of affairs' during 1990s. But it certainly has emerged as an 'alternative force' in recent time during People's Movement II thereby elevating its position. To put it in Scott's words, it has become 'weapons of the weak' on resistance to authority (Goody 2001:157). That said civil society in Nepal is in the 'empowerment' process, exposing various issues confronting the nation despite its contradictions. The two models of civil society (the Gramscian and Chatterjeean) are the one that put question mark on the nature of civil society but this is obvious in politically instable state like Nepal which has been moving from one crisis to another for more than half a century.
The challenge for Nepalese civil society is to democratise horizontally and civilise ‘oppositional movements’ by making them inclusive, representative for a wider social causes rather than fulfilling the interest of political parties; special groups per se or championing objectives of self declared civil society leaders. Hence, I have made the proposition of ‘inclusive secular civil society’ to avoid both theoretical and practical bias existing in this field. This can perhaps be achieved by introducing civic education in schools; public opinion; discourse and pressure by right based NGOs. This will elucidate new breed of civil society free from clan; tribal loyalty; aiming to engage in the analysis of major rules and regulations of society, liberate people from primordial thinking and prepare them to rise above personal and familial interests. Only then we can have a true civil society which will assist to translate civic virtues into practical life including conflict transformation/ resolution.

Note
1. In 1990s the major UN conference/convention/summits took place such as the Vienna convention on human rights, Rio Summit on environment, Beijing conference on Women, Copenhagen Social Summit are to name a few in this regard.

References
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